

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:06CR3033
v.)	
)	
SCOTT A. BINNICK,)	
)	MEMORANDUM AND ORDER
Defendant.)	
)	

Defendant has moved for a hearing to determine mental competency, and has provided to the court copies of two assessments in support of the motion. I shall have the reports filed under seal. A hearing will be necessary to determine competency, and the government must be given an opportunity to independently examine the defendant.

IT THEREFORE HEREBY IS ORDERED,

The motion, filing 15, is granted, and

1. A hearing to determine the defendant's competency to stand trial will be held before the undersigned on September 5, 2006 at 11:00 a.m.

2. The defendant shall make himself available for psychological evaluation by a licensed psychologist or psychiatrist selected by the government. Such evaluation shall be at the government's expense, and a copy of the report of such evaluation shall be made available to the court and defendant's counsel. The evaluator shall be given a copy of the reports filed in support of the motion.

DATED this 1st day of August, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge